

time and ordered engrossed; rule suspended, read third time and passed by the following two-thirds vote:

Yeas—Senators Avinger, Baker, Dillard, Dohoney, Finlay, Flanagan, Fountain, Franks, Gaines, Hall, Henry, King, Latimer, Rawson, Randle, Ruby, Saylor, Shelley, Swift, Word and Mr. President—21.

Senator Finlay in the chair.

Senate bill No. 82, "An act for the relief of John S. Meniffee," was read second time; the rules suspended, read third time and passed by the following two-thirds vote:

Yeas—Senators Avinger, Baker, Ball, Cole, Dillard, Dohoney, Ford, Finlay, Flanagan, Fountain, Franks, Gaines, Hall, Henry, King, Latimer, Pyle, Pickett, Rawson, Randle, Ruby, Saylor, Sayers, Shelley, Swift, Word and Mr. President—24.

Senate bill No. 74, "An act to incorporate the city of Lampasas, in the county of Lampasas," together with the report of the Committee on State Affairs, recommending amendments, taken up.

On motion of Senator Shelley, the amendments were considered *seriatim*. Nos. 1 and 2 adopted.

Senator Saylor offered the following substitute for the third amendment offered by the committee:

Section nine, fifth line, after the word "election," insert "and who is a registered voter within the limits of the corporation."

Adopted, and the bill ordered to be engrossed. Rules suspended, read third time and passed.

Senator Fountain presented the memorial of Bethel Coopwood and G. W. M. Duck, for the relief of Judge J. J. Thornton. Read and referred to Judiciary Committee No. 1.

On motion of Senator Flanagan the Senate adjourned until 10 o'clock A. M. to-morrow.

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SENATE CHAMBER, }  
AUSTIN, TEXAS, February 18, 1873. }

Senate met pursuant to adjournment. Roll called; quorum present. Prayer by the Rev. Mr. Creath.

Journal of yesterday read and adopted.



Senator Tracy presented a petition for the relief of Jacob T. Chandler. Read and referred to the Committee on Private Land Claims.

Senator Dohoney presented the memorial of T. J. Wood, late surveyor of Lamar county. Read and referred to Judiciary Committee No. 1.

Senator Henry introduced a bill, to be entitled "An act for the relief of the heirs of P. U. Ford." Read and referred to the Committee on Private Land Claims.

Senator Dohoney introduced a bill, to be entitled "An act to provide the mode of establishing valid land claims against the Republic or State of Texas, not otherwise provided for by law." Read first time and referred to select committee.

Senator Tracy introduced a bill, entitled "An act to incorporate the San Saba Mining and Manufacturing Company." Read first time and referred to Judiciary Committee No. 1.

A message was received from the House, informing the Senate that the House had passed the following House bills, to-wit:

No. 154, "An act to provide for the election of city officers for the city of Columbus, and to regulate their duties."

No. 252, "An act to prohibit the sale or gift of intoxicating liquors within two miles of Leesburg Institute, in Upshur county, Texas."

No. 253, "An act to prohibit the sale of intoxicating, spirituous or vinous liquors within two miles of Hackberry Grove Academy, in Collin county."

No. 231, "An act to authorize the county of Marion to issue interest-bearing bonds for the building of a court house and jail in said county."

No. 194, "An act to incorporate the town of Pine Hill, in Rusk county."

No. 143, "An act to incorporate the Teutonic Association of Fayette county."

Also, Senate joint resolution No. 5, requiring the payment of Treasury warrants without regard to date or number.

Senate bill No. 95, "An act for the relief of Luke G. Lea," was read second time; rules suspended, read third time and passed by the following two-thirds vote:

Yeas—Senators Avinger, Baker, Ball, Cole, Dillard,



Dohoney, Flanagan, Fountain, Hall, Henry, King, Latimer, Rawson, Randle, Ruby, Saylor, Sayers, Swift, Tendick, Tracy, Word and Mr. President—22.

Senate bill No. 98, "An act to incorporate the town of Weatherford," was read second time and ordered engrossed; rules suspended, read third time and passed.

On motion of Senator Flanagan, House bill No. 194, "An act to incorporate the town of Pine Hill, in Rusk county, was taken up; the bill read first time; rules suspended, read second time; rules further suspended, read third time and passed.

On motion of Senator Cole, House bill No. 8, "An act to incorporate the city of Sulphur Springs, in the county of Hopkins, was taken up and read first time; rules suspended, read second time; rules further suspended, read third time and passed.

The Committee on Engrossed Bills submitted the following report:

*Hon. E. B. Pickett, President of the Senate:*

SIR: Your Committee on Engrossed Bills have examined the following bills and find them correctly engrossed, viz:

Senate bill No. 89, "An act to incorporate G. M. Johnson Lodge No. 97, of the Independent Order of Odd Fellows."

Senate bill No. 82, "An act for the relief of John S. Meniffee."

Senate bill No. 62, "An act to incorporate the Tyler Real Estate and Building Association."

Senate bill No. 12, "An act to amend an act entitled an act to provide for appeals from interlocutory judgments in the district courts of the State, approved November 1, 1871."

\* Senate bill No. 54, "An act to incorporate the Hibernian Benevolent and Mutual Aid Association of Austin, Texas."

Senate joint resolution No. 17, instructing and requesting our Congressional delegation to urge upon Congress the survey and construction of a ship canal across the peninsula of Florida.

J. D. SAYERS, Chairman.

On motion of Senator Fountain, the special order for this hour, viz., the election bill, was postponed until tomorrow at 11 o'clock A. M.



Senate joint resolution No. 9, ratifying an amendment to section six of article ten of the Constitution of the State of Texas, proposed by joint resolution of the Legislature of the State of Texas, passed May 17, 1871, was read second time.

Senator Sayers moved a call of the Senate. Call sustained.

Absent, not excused—Senators Shelley and Tracy.

On motion of Senator Fountain, the call was suspended.

The resolution was then ordered engrossed by the following vote :

Yeas—Senators Avinger, Baker, Ball, Cole, Dillard, Dohoney, Ford, Finlay, Flanagan, Fountain, Franks, Gaines, Hall, Henry, King, Latimer, Rawson, Randle, Ruby, Saylor, Swift, Tendick, Tracy, Word and Mr. President—25.

Nays—Senators Sayers and Shelley—2.

On motion of Senator Avinger, House bill No. 231, "An act to authorize the county of Marion to issue interest-bearing bonds for the building of a court house and jail in said county," was taken up and read first time ; rules suspended and read second time ; rules further suspended, read third time and passed by the following two-thirds vote :

Yeas—Senators Avinger, Baker, Ball, Cole, Dillard, Dohoney, Finlay, Flanagan, Fountain, Franks, Hall, Henry, King, Rawson, Randle, Ruby, Saylor, Sayers, Swift, Tendick, Word and Mr. President—20.

Senator Latimer, chairman of the Committee on Enrolled Bills, made the following report :

*Hon. E. B. Pickett, President of the Senate :*

SIR: Your Committee on Enrolled Bills beg leave to report that they have carefully examined Senate joint resolution No. 5, entitled "Joint resolution requiring the payment of treasury warrants without regard to date or number," and find it correctly enrolled.

H. R. LATIMER, Chairman.

Substitute reported by Judiciary Committee No. 1, for Senate bills Nos. 52, 61 and 68, entitled "An act to amend Sections 1, 114, 192, 217, 235, 240, 242, 250, 251, 252, 266 and 341, of an act entitled an act prescribing the mode of proceeding in the district courts in matters of probate, approved August 15, 1870," was read second time, adopted, and ordered engrossed, and one hundred copies ordered printed for the use of the Senate.



Senator Henry, chairman of Judiciary Committee No. 1, submitted the following report:

*Hon. E. B. Pickett, President of the Senate:*

SIR: Your Judiciary Committee No. 1, to whom was referred House bill No. 32, entitled "An act to repeal certain sections of an act entitled an act to organize the courts of justices of the peace and county courts, and to define their jurisdiction and duties, approved August 13, 1870," having had the same under careful consideration, ask leave to report it back to the Senate, and recommend its passage.

JOHN L. HENRY, Chairman.

Senator Cole, chairman of the Committee on Private Land Claims, submitted the following report:

*Hon. E. B. Pickett, President of the Senate:*

SIR: Your Committee on Private Land Claims, to whom was referred the memorial of Lycurgus E. Griffith, having had the same under consideration, instruct me to report the accompanying bill, and recommend that it do pass.

D. W. COLE, Chairman.

Senator Latimer, chairman of the Committee on Enrolled Bills, submitted the following report:

*Hon. E. B. Pickett, President of the Senate:*

SIR: Your Committee on Enrolled Bills beg leave to report that Senate joint resolution No. 5, entitled "Joint resolution to require the payment of Treasury warrants without regard to date or number," was presented to the Governor for his approval this day at 12 o'clock.

H. R. LATIMER, Chairman.

Senator Ruby introduced a bill entitled "An act requiring the sheriffs to make deeds of conveyance of lands sold for taxes." Read first time and referred to the Committee on Judiciary No. 2.

House bill No. 77, "An act permanently establishing the county site of Kinney county," was read first time and referred to the Committee on Counties and County Boundaries.

House bill No. 57, "An act to prohibit the sale or giving away of intoxicating or spirituous liquors within one mile of the institute of learning situated at Caledonia, in Rusk county, Texas," was read first time and referred to Judiciary Committee No. 2.

House bill No. 81, "An act to amend an act to author-



ize the transcript of the records of the County Court of Bowie county," was read first time and referred to Judiciary Committee No. 1.

House bill No. 123, "An act to provide for prompt settlement of accounts by sheriffs with the State and counties," was read first time, and one hundred copies ordered printed for the use of the Senate.

House bill No. 87, "An act to prevent speculations by officers and agents in county, city and town contracts and liabilities," was read first time, and referred to Judiciary Committee No. 1.

House bill No. —, "An act for the relief of W. J. Russell," was read first time, and referred to Committee on Private Land Claims.

House bill No. 97, "An act entitled an act to regulate the conduct of public officers," was read first time and referred to Judiciary Committee No. 1.

House bill No. 82, "An act to authorize the County Court of Maverick county to issue interest-bearing bonds, and to levy a tax to pay the same," was read first time, and referred to Judiciary Committee No. 1.

House bill No. 40, "An act to repeal sections thirty-one and thirty two of an act entitled an act concerning private corporations, approved December 2, 1871," was read first time, and referred to Judiciary Committee No. 1.

House bill No. 42, "An act to amend an act to amend Article 382 of the Code of Criminal Procedure, approved August 26, 1856," was read first time and referred to Judiciary Committee No. 2.

House bill No. 98, "An act to amend section five of an act entitled an act prescribing the powers and duties of clerks of the district courts, approved August 12, 1870," was read first time and referred to Committee on Judiciary No. 2.

House bill No. 68, "An act to authorize and require sheriffs and constables to execute process ordered by the Legislature, or any committee thereof," was read first time and referred to Committee on Judiciary No. 1.

House concurrent resolution, assuring pay of teachers in public schools, was read and adopted.

The following message was received from his Excellency the Governor:



EXECUTIVE OFFICE, STATE OF TEXAS, {  
AUSTIN, February 18, 1873 }

*To the Honorable Senate and House of Representatives  
of the State of Texas :*

GENTLEMEN: I have the honor to inform you that on yesterday, seventeenth inst., I approved and signed the act entitled "An act to provide for the public printing."

I have concluded to take advantage of this occasion for a suggestion to your houses regarding this matter of the public printing. I believe the present system of election of public printer was inaugurated in our State by the act of March 8, 1848, and continued to be the practice until the act of twenty-seventh of November, 1859, was passed, which provided for letting the printing out by contract to the lowest bidder.

I am informed that this latter arrangement worked very well, but for some reason not apparent to me it was thought, by the provisional Legislature of 1866, advisable to return to the system of election, and this was accordingly done by the act of November 8, 1866, repeated substantially by the Legislature of 1870 in the act of August 13 of that year.

The public printing has come to be considered one of the spoils to be enjoyed without dispute by the political party that may, for the time being, control the Legislature. It was in deference to this sentiment, and because the party controlling the last Legislature seemed also to be moved thereby, that it was probably not unfair or unreasonable to allow their opponents an equal opportunity, by the approval of the present act.

But I submit for your consideration, whether it would not be better policy now to provide for a return to the contract system, to take effect after this term of the Legislature. No private interests or party prejudice will be likely to stand in the way of a well considered bill having that purpose in view, but to be enforced so far in the future. I am convinced that the printing of the State may, in that way, be done cheaper and fully as well as by an elected printer at fixed rates of compensation, and there can be no obstruction of the legitimate business of the Legislature by unseemly scrambles of aspirants for this position.

The delay in legislation, and perhaps the hasty and inconsiderate legislation, caused by the recent disagree-



ment of the houses on this subject, is fresh in your minds, and is proof that the matter is of sufficient importance to warrant this special allusion. Very respectfully,

EDMUND J. DAVIS, Governor.

On motion of Senator Flanagan the Senate adjourned to 10 o'clock A. M. to-morrow.

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SENATE CHAMBER,  
AUSTIN, TEXAS, February 19, 1873.

Senate met pursuant to adjournment Roll called; quorum present. Prayer by the Rev. Mr. Creath.

Journal of yesterday read and adopted.

Senator Sayers, chairman of the Committee on Engrossed Bills, submitted the following report:

*Hon. E. B. Pickett, President of the Senate:*

SIR: Your Committee on Engrossed Bills have examined the following bills and find them correctly engrossed, viz:

Senate bill No. 95, "An act for the relief of Luke G. Lea."

Senate joint resolution No. 9, ratifying an amendment to section six of article ten of the Constitution of the State of Texas, proposed by joint resolution of the Legislature of the State of Texas, passed May 17, 1871.

Senate bill No. 74, "An act to incorporate the city of Lampasas, in the county of Lampasas."

J. D. SAYERS, Chairman.

Senator Swift, chairman of the Committee on Claims and Accounts submitted the following report:

*Hon. E. B. Pickett, President of the Senate:*

SIR: Your Committee on Claims and Accounts, to whom was referred Senate bill No. 106, "An act for the relief of Joseph Hoya," have carefully considered the same, and I am instructed to report it back to the Senate with the recommendation that it do pass.

W. H. SWIFT, Chairman.

Senator Gaines offered the following resolution, which was adopted:

*Resolved*, That the Senator from Harrison be granted leave of absence from Thursday, the twentieth, to Wednesday, the twenty-sixth inst.